



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 668-98

17 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 8 November 1968 after more than four years of prior active service. On 10 July 1969 you were convicted by a special court-martial of an unauthorized absence of 81 days.

A second special court-martial convened on 1 July 1970 and found you guilty of unauthorized absences totalling 239 days, escaping from civil confinement, and breaking restriction. The court sentenced you to confinement at hard labor for four months, forfeitures of \$80 per month for four months, reduction in rate, and a bad conduct discharge. You received the bad conduct discharge on 13 January 1971.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity, personal hardship, and the contention that the President offered you reinstatement after your discharge. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to

your unauthorized absences that totalled more than ten months. In this regard, there is no evidence that the President offered you reinstatement or that you had a hardship. Based on the foregoing, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director